

UNITED STATES DISTRICT COURT  
FOR THE  
EASTERN DISTRICT OF CALIFORNIA

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RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
- NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

SBA (PR)  
(PR)

RE: MICHAEL JOHN SANTOS-WALTERS vs. LINDA DIAZ  
USDC No.: 1:07-CV-01109-AWI-DLB

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated August 02, 2007, transmitted herewith are the following documents.

C Electronic Documents: 1 to 5.

Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

August 2, 2007

/s/ C. Esteves

Deputy Clerk

JESSIE MOSLEY

RECEIVED BY:

Please Print Name

DATE RECEIVED:

AUG - 9 2007

NEW CASE  
NUMBER:

1  
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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
10

11 MICHAEL JOHN SANTOS-WALTERS

1:07-cv-01109-AWI-DLB (PC)

12 Plaintiff,

13 vs.

14 ORDER TRANSFERRING CASE

15 LINDA DIAZ, et al.,

16 Defendants.  
17

18 Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42  
19 U.S.C. § 1983, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

20 The federal venue statute requires that a civil action, other than one based on diversity  
21 jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants  
22 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions  
23 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action  
24 is situated, or (3) a judicial district in which any defendant may be found, if there is no district in  
25 which the action may otherwise be brought." 28 U.S.C. § 1391(b).

26 In this case, none of the defendants reside in this district. The claim arose in Monterey  
27 County, which is in the Northern District of California. Therefore, plaintiff's claim should have  
28 been filed in the United States District Court for the Northern District of California. In the interest  
of justice, a federal court may transfer a complaint filed in the wrong district to the correct district.

1 See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

2 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States  
3 District Court for the Northern District of California.

4 IT IS SO ORDERED.

5 Dated: August 1, 2007

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

CLOSED, PRISONER\_CIVIL\_RIGHTS

**U.S. District Court**  
**Eastern District of California - Live System (Fresno)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-01109-AWI-DLB**  
**Internal Use Only**

(C) Santos-Walters v. Diaz et al  
Assigned to: Judge Anthony W. Ishii  
Referred to: Magistrate Judge Dennis L. Beck  
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/30/2007  
Date Terminated: 08/02/2007  
Jury Demand: None  
Nature of Suit: 550 Prisoner: Civil  
Rights  
Jurisdiction: Federal Question

**Plaintiff**

**Michael John Santos-Walters**

represented by **Michael John Santos-Walters**  
K-20095  
SVSP  
PO Box 1050  
Soledad, CA 93960  
PRO SE

**Defendant**

**Doctor Linda Diaz**  
*Pain Management Doctor*

**Defendant**

**Nguyen**  
*Doctor CTC Coordinator Manager*

**Defendant**

**Dudley Lee**  
*Health Care Manager - Chief Medical  
Officer*

**Defendant**

**MTA Gee**  
*MTA - LVN*

**Defendant**

**Lovesia Bey**  
*Nurse Practitioner*

**Defendant**

**D. Jeans**

*Registered Nurse*

Date Filed	#	Docket Text
07/30/2007	<a href="#"><u>1</u></a>	(1983) COMPLAINT against Linda Diaz, Nguyen, Dudley Lee, Gee, Lovesia Bey, D. Jeans by Michael John Santos-Walters. MAINTAINED IN PAPER. (Verduzco, M) (Entered: 08/01/2007)
07/30/2007	<a href="#"><u>2</u></a>	MOTION to PROCEED IN FORMA PAUPERIS by Michael John Santos-Walters. (Verduzco, M) (Entered: 08/01/2007)
07/30/2007	<a href="#"><u>3</u></a>	MOTION to APPOINT COUNSEL by Michael John Santos-Walters. (Verduzco, M) (Entered: 08/01/2007)
08/01/2007	<a href="#"><u>4</u></a>	PRISONER NEW CASE DOCUMENTS ISSUED; (Attachments: # <a href="#"><u>1</u></a> Consent Forms) (Verduzco, M) (Entered: 08/01/2007)
08/01/2007	<a href="#"><u>4</u></a>	SERVICE BY MAIL: <a href="#"><u>4</u></a> Prisoner New Case Documents for AWI served on Michael John Santos-Walters. (Verduzco, M) (Entered: 08/01/2007)
08/01/2007	<a href="#"><u>4</u></a>	(Court only) ***STAFF NOTE: Case screened; Transfer order submitted to DLB/dm. (Verduzco, M) (Entered: 08/01/2007)
08/02/2007	<a href="#"><u>5</u></a>	ORDER, CASE TRANSFERRED to District of CA/Northern signed by Judge Dennis L. Beck on 08/01/2007. CASE CLOSED. (Esteves, C) (Entered: 08/02/2007)
08/02/2007	<a href="#"><u>6</u></a>	TRANSMITTAL of DOCUMENTS on *8/2/2007* to * Clerk, Northern District of California* *450 Golden Gate Avenue, 16th Floor* *San Francisco, California 94102*. ** *Electronic Documents: 1 to 5. *. (Esteves, C) (Entered: 08/02/2007)
08/02/2007	<a href="#"><u>6</u></a>	SERVICE BY MAIL: <a href="#"><u>5</u></a> Order, Case Transferred Out to Northern District served on Michael John Santos-Walters. (Esteves, C) (Entered: 08/02/2007)